

**For Public**

**BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA**

\* \* \* \* \*

**In The Matter of Charges and )  
)  
Complaint Against )  
)  
BINH CHUNG, M.D., )  
)  
Respondent. )**

**Case No. 09-20478-1**

**FILED**

**APR 13 2009**

**NEVADA STATE BOARD OF  
MEDICAL EXAMINERS**

**COMPLAINT**

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D., Ms. Jean Stoess, M.A., and Benjamin J. Rodriguez, M.D., by and through Edward Cousineau, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Binh Chung, M.D., hereinafter referred to as "Respondent," has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent is licensed in active status to practice medicine in the state of Nevada, and at all times alleged herein, was so licensed by the Nevada State Board of Medical Examiners, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. On September 14, 2006, a criminal Information was filed with the Clark County District Court by the Clark County District Attorney's Office alleging that Respondent committed two counts of Open or Gross Lewdness, on or about August 1, 2005, with a fifteen-year-old female patient under the pretext of conducting a physical examination of the patient. (See Exhibit 1).

3. On June 11, 2008, in the Clark County District Court and in relation to the aforementioned criminal charges, Respondent pled guilty to one count of misdemeanor battery

///

1 with sentencing terms which included one-hundred hours of community service and impulse  
2 control counseling. (See Exhibit 2).

3 **COUNT I**

4 4. All of the allegations in the above paragraphs 1 through 3 are incorporated herein as  
5 if set forth in full.

6 5. Section 630.301(6) of the Nevada Revised Statutes provides that disruptive behavior  
7 with patients that interferes with patient care or has an adverse impact on the quality of care  
8 rendered to a patient is grounds for discipline.

9 6. Respondent violated Section 630.301(6) by engaging in behavior that was disruptive  
10 and which had an adverse impact on the quality of care provided to the patient by Respondent.

11 7. By reason of the foregoing, Respondent is subject to discipline by the Nevada State  
12 Board of Medical Examiners as provided in NRS 630.352.

13 **COUNT II**

14 8. All of the allegations in the above paragraphs 1 through 3 are incorporated herein as  
15 if set forth in full.

16 9. Section 630.301(9) of the Nevada Revised Statutes provides that engaging in  
17 conduct that brings the medical profession into disrepute is grounds for discipline.

18 10. Respondent violated Section 630.301(9) by engaging in conduct that brings the  
19 medical profession into disrepute when he was charged with two counts of open or gross lewdness  
20 and later pled guilty to misdemeanor battery related to the previously charged criminal conduct.

21 **WHEREFORE**, the Investigative Committee prays:

22 1. That the Nevada State Board of Medical Examiners fix a time and place for a formal  
23 hearing;

24 2. That the Nevada State Board of Medical Examiners give Respondent notice of the  
25 charges herein against him, the time and place set for the hearing, and the possible sanctions against  
26 him;

27 3. That the Board determine what sanctions it deems appropriate to impose for the  
28 violation committed by Respondent; and

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners  
1105 Terminal Way #301  
Reno, Nevada 89502  
(775) 688-2559

1           4.       That the Board make, issue and serve on Respondent its findings of facts,  
2 conclusions of law and order, in writing, that includes the sanctions imposed.

3           DATED this 13<sup>th</sup> day of April, 2009.

4  
5           By: \_\_\_\_\_

6           Edward Cousineau  
7           Attorney for the Investigative Committee of the  
8           Nevada State Board of Medical Examiners  
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VERIFICATION

STATE OF NEVADA       )  
                                  : ss.  
COUNTY OF DOUGLAS    )

Charles N. Held, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 13<sup>th</sup> day of April, 2009.



Charles N. Held, M.D.

**CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 13<sup>th</sup> day of April 2009, I served a file copy of the COMPLAINT, NOTICE OF PREHEARING & HEARING, a copy of the appointment letter and FINGERPRINTING INFORMATION, by mailing via USPS certified return receipt to the following:

Binh Chung, M.D.  
8785 W. Warm Springs Rd., Ste. 109  
Las Vegas, NV 89148

Dated this 13<sup>th</sup> day of April 2009.



Angelia Donohoe  
Legal Assistant

# **EXHIBIT**

# **1**

*Shirley Blanton*  
CLERK

1 **INFOSA**  
2 DAVID ROGER  
3 Clark County District Attorney  
4 Nevada Bar #002781  
5 LISA LUZAICH  
6 Chief Deputy District Attorney  
7 Nevada Bar #005056  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2211  
10 (702) 671-2500  
11 Attorney for Plaintiff

12 I.A. 9/26/06  
13 1:30 P.M.  
14 ORAM, C.

DISTRICT COURT  
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA, )

16 Plaintiff, )

17 -vs- )

18 BINH M. CHUNG  
19 aka Ben Minh Chung, #1136698 )

20 Defendant. )

Case No: C226057  
Dept No: VI

INFORMATION

21 STATE OF NEVADA }  
22 COUNTY OF CLARK } ss.

23 DAVID ROGER, District Attorney within and for the County of Clark, State of  
24 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

25 That BINH M. CHUNG aka Ben Minh Chung, the Defendant(s) above named, having  
26 committed the crime of **OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS**  
27 **201.210)**, on or about the 1st day of August, 2005, within the County of Clark, State of  
28 Nevada, contrary to the form, force and effect of statutes in such cases made and provided,  
and against the peace and dignity of the State of Nevada,

COUNT 1

did then and there wilfully and unlawfully commit an act of open or gross lewdness  
by the said Defendant using the pretext of conducting a medical examination on RAIVEN  
LEWIS, 15 years old, did open and/or pull down the bra of the said RAIVEN LEWIS and  
looked at her breasts.

1 COUNT 2

2 did then and there wilfully and unlawfully commit an act of open or gross lewdness  
3 by the said Defendant, using the pretext of conducting a medical examination on RAIVEN  
4 LEWIS, 15 years old, did pull down the panties of the said RAIVEN LEWIS and touched  
5 her genital area with his hand.

6  
7 DAVID ROGER  
8 DISTRICT ATTORNEY  
9 Nevada Bar #002781

10 BY /s/ Lisa Luzaich  
11 LISA LUZAICH  
12 Chief Deputy District Attorney  
13 Nevada Bar #005056

14 Names of witnesses known to the District Attorney's Office at the time of filing this  
15 Information are as follows:

16	<u>NAME</u>	<u>ADDRESS</u>
17	COR/or Designee CCDC	
18	COR/or Designee LVMPD Dispatch	
19	COR/or Designee LVMPD Records	
20	LEWIS, Raiven, 9816 Gallo Dr., LV, NV 89147	
21	LEWIS, Robin, 9816 Gallo Dr., LV, NV 89147	
22	WILDS, Melissa M., LVMPD/P#4957	

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26 DA#06F11711X/ct/SVU  
27 LVMPD EV#0508041773  
28 O/G LEWD - GM  
(TK3)



**EXHIBIT**

**2**

## CRIMINAL COURT MINUTES

226057-C STATE OF NEVADA

vs Chung, Binh M

CONTINUED FROM PAGE: 006

Wednesday of the week of trial or may suggested overflow. Counsel estimated 2 to 3 day trial with 10 Witnesses and no out-of-State witnesses.

O.R./I.S

06/11/08 9:00 AM CALENDAR CALL...DEFT'S MOTION FOR DISCLOSURE OF UNCHARGED ACTS PRIOR CRIMINAL CONDUCT OF DEFENDANT...STATE'S MOTION FOR IN CAMERA REVIEW...EVIDENTIARY HEARING...STATE'S MOTION IN LIMINE TO ADMIT EVIDENCE

06/16/08 10:00 JURY TRIAL

06/11/08 09:00 AM 00 ALL PENDING MOTIONS (06/11/08)

HEARD BY: Elizabeth Gonzalez, Judge; Dept. 11

OFFICERS: Kathy Klein, Court Clerk  
Jill Hawkins, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	000370 Ponticello, Frank M.	Y
	0001 D1 Chung, Binh M	Y
	004349 Oram, Christopher R.	Y

STATE'S MOTION IN LIMINE TO ADMIT EVIDENCE OF CONSCIOUSNESS OF GUILT...DEFT'S MOTION DISCLOSURE OF UNCHARGED ACTS PRIOR TO CRIMINAL CONDUCT OF DEFT...STATES MOTION FOR IN CAMERA REVIEW OF COPIES OF VICTIM'S MEDICAL CHART AND/OR RECORDS IN THE POSSESSION OF FRANK KOCKA, ESQ....EVIDENTIARY HEARING...CALENDAR CALL

Mr. Ponticello advised on behalf of Ms. Luzaich, this matter has been resolved and stated negotiations. All parties stipulated and requested Court to sit as Magistrate and sentence Deft. DEFT. CHUNG ARRAIGNED AND PLED GUILTY TO BATTERY (M). COURT ACCEPTED plea and DEFT. ADJUDGED of a BATTERY (M). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Deft. SENTENCED to CONDITIONS:

1. STAY OUT OF TROUBLE for ONE (1) YEAR. (not to include traffic).
2. Complete 100 hours community service work.
3. Successfully complete Impulse Control Counseling.

Pursuant to negotiations; if Deft. is successful case can be dismissed; if not successful Deft. can be sentenced to a maximum of six months. Court admonished Deft. to comply and further noted Deft. presence waived for next Court date, only if proof of documentation is provided. COURT ORDERED, matter set for status check. COURT ORDERED, BOND if any EXONERATED.

O.R.